

U.S. Patent Application No. 09/833,432
Attorney Docket No. 13DV13932 (07783-0078)

REMARKS

The Office Action mailed September 23, 2004 has been received and carefully considered. Claims 1-6 and 8-21 are currently pending. Claims 1-6, 8-14 and 17-20 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,178,430 to Cohen et al. (Cohen). Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as obvious over Cohen in view of U.S. Patent 5,870,744 to Sprague (Sprague).

I. Amendments to the claims

Claim 6 has been amended to correct a clerical error with respect to the intended dependency of the claims and incorporates the limitation of claim 7. Claim 7 has been cancelled without prejudice. Claim 21 has been added. The amendment and new claim are fully supported by the specification as originally filed and present no new matter.

II. Rejection under 35 U.S.C. § 102(e).

Claims 1-6, 8-14 and 17-20 stand rejected as assertedly anticipated by Cohen. Applicants respectfully traverse the rejection.

Specifically, the Examiner has stated that with respect to independent claim 1, Cohen discloses a method for determining a module to be added to an Intranet portal as found in Applicants' claimed invention. Office Action at pages 2-3. With respect to independent claim 9, the Examiner has stated that the claimed invention is a computer program product version of the claimed method, having all the limitations of the method found in claim 1 and therefore is also anticipated by Cohen. Office Action at page 6.

Cohen is directed to an automated information technology standards management system for managing information standards that specify the procedures by which data is stored, manipulated and retrieved within a computer system. Cohen, Abstract. Cohen describes an

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invention that downloads standards documents to a network server and connects the standards document into a HTML document. Col. 3, lines 1-4. The HTML document can then be displayed to users and the users provide management services that permits users to require changes, exceptions or variances to the standards document. Col. 3, lines 5-11.

Claim 1 of the Application is directed to a method for determining a module to be added to an Intranet portal comprising the steps of proposing, by a user, a module to be added to an Intranet portal; adding the proposed module to a list of suggested modules, displaying the list of suggested modules to a user of the Intranet portal, selecting, by a user, a module from the list of suggested modules, indicating, by a user, support for the selected module, including the indication of support for the selected module in a cumulative indication of support for the selected module, and determining, by an administrator, a module to be added to the Intranet portal from the list of suggested modules using the cumulative indication of support for each suggested module in the list of suggested modules.

Claim 9 of the Application is directed to a computer program product embodied on a computer readable medium and executable by a computer for updating an Intranet portal. The computer program product comprises computer instructions for executing the steps of proposing, by a user, a module to be updated in an Intranet portal, adding the proposed module to a list of suggested modules, displaying the list of suggested modules to a user of the Intranet portal; selecting, by a user, a module from the list of suggested modules, indicating, by a user, support for the selected module to be updated, including the indication of support for the selected module in a cumulative indication of support for the selected module; and determining, by an administrator, a module to be updated in the Intranet portal from the list of suggested modules

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using the cumulative indication of support for each suggested module in the list of suggested modules.

It is well established that to anticipate an invention, a reference must teach each and every element of the claimed invention, either explicitly or inherently. *In re Schreiber*, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997).

Independent claims 1 and 9, and consequently all claims depending therefrom, are directed to processes and computer programs involving modules in an Intranet portal. That is, claim 1 is directed to a method for determining a module to be added to an Intranet portal and claim 9 is directed to a computer program product for updating a module in an Intranet portal. Thus, from a threshold analysis, Applicants' claimed invention has a key distinguishing feature from Cohen: Cohen merely uses an intranet as a vehicle by which internal communications are relayed for modifying information standards.

While the intranet is referred to in Cohen as a means for distributing information, there is no teaching that a module in an Intranet portal is itself is being updated. *See e.g.*, col. 1, lines 6-11: "...exporting technology standards...via an intranet."; col. 4, lines 17-20: "...transmits standard documents formatted into web pages over the intranet..."; col. 10, lines 53-57: "...displayed on a computer that is linked through the intranet..." Furthermore, Cohen's standard is simply not the same as the module of Applicants' claimed invention. The standards described in Cohen are documents, *see, e.g.*, col. 1, lines 51-52, while Applicants' modules are described at [0016] of the specification as originally filed: small pieces of functionality or applications to supply or provide access to data, applications, information and processes. Thus, a module might provide access to a standards document like those described in Cohen, but the standards document is not itself a module.

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Thus, Cohen fails to teach each and every element of Applicants' claimed invention because Cohen fails to teach adding or any other updating of a module of an intranet, only that certain information standards can be modified using the intranet as a communication method to facilitate a decision on such a modification.

The Examiner asserts that the Change Requests table discussed in Cohen from col. 7, line 58 to col. 8, line 16 corresponds to Applicants' list of suggested modules found in Applicants' claimed invention. Office Action at page 3. Even assuming, *arguendo*, that the two are comparable, which they are not, Cohen fails to teach that the Change Requests table is displayed to a user of the intranet. At most, Cohen discloses only that the Change Requests table is used by the Auto-Notification process to keep users informed of their obligation to consider change and exception requests. *See* col. 8, lines 14-16. Nowhere, does Cohen teach, disclose or even suggest that the Change Request table itself is displayed to a user. The discussion in column 8 of Cohen further distinguishes the process described therein, which sends notification only to certain users regarding a suggested change in a particular standards document and which users are under an "obligation" to vote on that change.

As further described by Cohen, the Auto-Notification process involves sending emails to specific committee members associated with a particular information standard for which a change or exception request has been made and individually polling those members whether or not to accept the change. *See* col. 11, lines 4-60. Thus, not only is no list of modules displayed to a user in Cohen's disclosed process, the user is not engaged in the selection of any item from a list. Rather, certain persons are already designated to receive and respond to specific requests, unlike Applicants' claimed invention where modules are displayed to a user in the form of a list from which the user then selects a module.

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Neither does Cohen teach a cumulative indication of support for a selected module. The "Votes" table found in Cohen, as referenced by the Examiner at page 3 of the Office Action, only shows a table in a database for separately recording a vote for each required voter. The other portion of Cohen cited by the Examiner as allegedly anticipating this element (beginning at col. 14, line 55 going to col. 15, line 26) only teaches that the votes are totaled by a subroutine at the conclusion of the voting period. In fact, Cohen specifically requires that the votes are not counted until after all votes have been cast. Col. 14, line 57-58. Using a subroutine to count all votes and calculate a total at the end of a period of time is not the same as including an indication of support in a cumulative indication of support, which, as the term "cumulative" suggests, involves incremental addition as each indication of support is received.

Finally, there is no teaching in Cohen that any determination of adding a standards document is made by an administrator, as with the selected module to be added in Applicants' claimed invention. The "determination" at col. 15, lines 10-13 of Cohen asserted by the Examiner as anticipating this element of Applicants' claimed invention is inapposite. Based on the total number of votes counted, Cohen's subroutine Complete Votes makes a logical determination whether a sufficient number of votes are in favor of a proposed standard change and it passes or whether an insufficient number are in favor and the proposed change fails. Cohen does not disclose that a determination is made by an administrator. In fact, because Applicants' claimed invention does not require all users to indicate support, a simple logical subroutine that compares yes votes to no votes of a required number of voters would be insufficient in some cases to determine whether a selected module should be added.

Thus, as Cohen fails to teach each and every limitation of Applicants' claimed invention as recited in independent claims 1 and 9, the rejection should be withdrawn. Dependent claims

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2-6, 8, 10-14, and 17-20 that were also rejected under 35 U.S.C. §102(e) are believed to be allowable as depending from what are believed to be allowable independent claims 1 and 9 for the reasons given above.

III. Rejection under 35 U.S.C. § 103(a).

Claims 15 and 16 stand rejected as assertedly obvious over Cohen in view of Sprague.

Applicants respectfully traverse the rejection.

Claims 15 and 16 both depend from claim 9 which has been shown above to be allowable. Furthermore, Sprague is cited only for its teaching that support can be expressed in the form of a rating and fails to overcome the deficiencies of Cohen shown above with respect to independent claims 1 and 9. Thus, claims 15 and 16 are also allowable and the rejection should be withdrawn.

IV. New Claim 21

Newly added claim 21 is directed to a method for determining a module to be added to an Intranet portal.

Claim 21 includes limitations similar to those found in independent claims 1 and 9. Thus, for at least the same reasons as claims 1 and 9 are allowable, claim 21 is also allowable.

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CONCLUSION

In view of the above, Applicants respectfully request reconsideration of the Application and withdrawal of the outstanding rejections. Applicants respectfully submit that claims 1-6, and 8-21 are not anticipated by, nor rendered obvious by, Cohen or Sprague, and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in view of the applied art, Applicants request allowance of claims 1-6 and 8-21 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicants' undersigned representative.

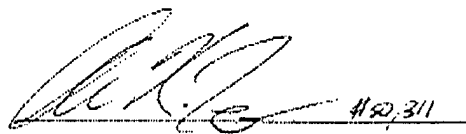
The Commissioner is authorized to deduct any fees determined by the Patent Office to be due from the undersigned's Deposit Account No. 50-1059.

Date: December 23, 2004

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "Shawn K. Leppo", followed by the handwritten number "#50,311".

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